

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ERIC PRETTY,  
Plaintiff,

v.

Civil No. 3:24cv203 (DJN)

RICHMOND COMMONWEALTH  
ATTORNEY'S OFFICE,  
Defendant.

**MEMORANDUM OPINION**

By Memorandum Order entered on April 5, 2024, the Court conditionally docketed Plaintiff's civil action. (ECF No. 2.) At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. (ECF No. 2, at 1–2.) The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. (ECF No. 2, at 1–2.)

Plaintiff has not complied with the order of this Court. Plaintiff failed to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: May 22, 2024